

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHAD B. DICKSON,	)	
	)	
Plaintiff,	)	
	)	Case No. 08-cv-1102
v.	)	
	)	Magistrate Judge Maureen P. Kelly
SCI-GREENSBURG; SGT. NELSON;	)	
C.O. PETERSON; and	)	
SUPERINTENDENT WAKEFIELD	)	
	)	
Defendants.	)	Re Dkt. [51]

**MEMORANDUM ORDER**

Chad B. Dickson, ("Plaintiff"), has filed a Motion for Partial Summary Judgment, ECF No. [43], a Declaration in Support, ECF No. [44], a Brief in Support, ECF No. [45], a Concise Statement of Material Facts ("Concise Statement"), ECF No. [46], and a "Pretrial Statement." ECF No. [47]. Defendants have filed a Motion to Strike Plaintiff's Concise Statement, ECF No. [51], due to Plaintiff's failure to comply with Local Civil Rule 56(B), a copy of which is appended to this Order. Plaintiff filed a Response in Opposition to the Motion to Strike, ECF No. [53], wherein he attached documentary exhibits and attempted to provide an Appendix for those exhibits. Defendants filed a Reply, ECF No. [59], noting that Plaintiff's attempt to cure his failure to comply with Local Civil Rule 56(B) failed. We agree.

Plaintiff's Concise Statement failed to comply with Local Civil Rule 59(B), in that he failed to cite to a specific portion of the record to show that his statement of fact finds support and he failed to include an appendix of the exhibits to which he should have cited. Plaintiff's failure to comply with Local Civil Rule 56(b) renders it exceedingly difficult, if not impossible, to determine whether Plaintiff has established the lack of a genuine issue of material fact and also has

rendered it impossible for Defendants to file an adequate response. Accordingly, Defendants' Motion to Strike is hereby GRANTED. Plaintiff's Concise Statement, ECF No. [46] is hereby STRICKEN. Plaintiff is ORDERED to file an amended Concise Statement by August 30, 2011, that complies with Local Civil Rule 56(B). If Plaintiff fails to comply with this order, his Motion for Partial Summary Judgment will be denied for failure to comply with the Local Rules and for failing to establish that there is no genuine issue of material fact for trial.

s/Maureen P. Kelly  
Maureen P. Kelly  
U.S. Magistrate Judge

Dated: August 9, 2011

cc: Chad B. Dickson  
FF-5942  
SCI Retreat  
660 State Route 11  
Hunlock Creek, PA 18621  
  
Counsel of Record via ECF

**ATTACHMENT**

**B. Motion Requirements.** The motion for summary judgment must set forth succinctly, but without argument, the specific grounds upon which the judgment is sought and must be accompanied by the following:

**1. A Concise Statement of Material Facts.** A separately filed concise statement setting forth the facts essential for the Court to decide the motion for summary judgment, which the moving party contends are **undisputed and material**, including any facts which for purposes of the summary judgment motion only are assumed to be true. The facts set forth in any party's Concise Statement shall be stated in separately numbered paragraphs. A party must cite to a particular pleading, deposition, answer to interrogatory, admission on file or other part of the record supporting the party's statement, acceptance, or denial of the material fact;

**2. Memorandum in Support.** The supporting memorandum must address applicable law and explain why there are no genuine issues of material fact to be tried and why the moving party is entitled to judgment as a matter of law; and

**3. Appendix.** Documents referenced in the Concise Statement shall be included in an appendix. Such documents need not be filed in their entirety. Instead, the filing party may extract and highlight the relevant portions of each referenced document. Photocopies of extracted pages, with appropriate identification and highlighting, will be adequate.